

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Huntington

Date: 8/7/2017

Case Number 3:17-cr-00064

Case Style: USA vs. Charley G. Myers

Type of hearing Sentencing

Before the honorable: 2514-Chambers

Court Reporter Kathy Swinhart

Courtroom Deputy Terry Justice

Attorney(s) for the Plaintiff or Government Greg McVey

Attorney(s) for the Defendant(s) Mike Frazier

Law Clerk Ben Barczewski

Probation Officer Matt Lambert

Trial Time

Non-Trial Time

Court Time

2:32 pm to 2:49 pm

Total Court Time: 0 Hours 17 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Hearing scheduled to commence: 2:30 pm

Hearing commenced: 2:32 pm

Defendant appeared in person and with counsel pursuant to a plea to the single count information.  
Defendant sworn.

Objections to the presentence report:

Government

1 - The Government objected to the drug quantity calculation - sustained.

Defendant

1 - The defendant objected to the inclusion of one criminal history point for Mr. Meyers' criminal mischief conviction - moot due to ruling on Govt.'s objection.

2 - The defendant objected to the inclusion of shoplifting in the "Pending Charges" section of the PSR - denied.

3 - The defendant objected to paragraph 130 - moot; report was revised.

Presentence Report adopted with exception.

Plea agreement accepted.

Total offense level 29  
criminal history category III

advisory guideline ranges  
custody 108 - 135 months

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sr 4 years  
fine \$30,000 - \$5,000,000  
SA \$100

Motion of Defendant for downward variance.  
Response of Government/ reply.  
Motion denied.

Custody 108 months

The Court recommended: that the defendant be housed as close to Morgantown, WV, as possible; that the defendant be allowed to participate in the Comprehensive Drug Abuse Treatment Program.

Supervised Release 4 years

special condition of supervised release: the defendant will participate in a program of testing, counseling, and treatment for drug and alcohol abuse as directed by the probation officer.

The defendant is not a legal resident of the Southern District of West Virginia, therefore, the period of supervised release is to be administered by the district where the defendant is a legal resident and/or the district where a suitable release plan has been developed.

Special Assessment \$100 due immediately

The special assessment will be paid through participation in the Inmate Financial Responsibility Program.

The defendant was informed of appeal rights.

Motion of United States to dismiss 3:17-28-2; motion granted.

Defendant detained.

Hearing concluded: 2:49 pm